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SOCIALIST REPUBLIC OF VIETNAM

NEW DRAFT CONSTITUTION



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SOCIALIST REPUBLIC OF VIETNAM NEW DRAFT CONSTITUTION

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Preamble

[Text] Throughout their 4,000-year history, the Vietnamese people have been an industrious working people struggling heroically to build and defend their country. Our people's staunch and intrepid traditions have been forged in long and persistent struggle.

Over the past half century, our people, led by the Communist Party of Vietnam--which was founded and trained by President Ho Chi Minh--and strongly inspired by the October Revolution, defeated the Japanese, the French and then the U.S. imperialists and their henchmen, completing the people's national democratic revolution and moving forward to carrying out the socialist revolution and socialist construction. Our country has proceeded from being a colonized and semifeudalistic country to becoming an independent and socialist nation.

In 1945 the August revolution concluded successfully, restoring the helm of the administration to the people. On 2 September 1945 President Ho Chi Minh read the declaration of independence at Ba Dinh Square, marking the birth of the Democratic Republic of Vietnam, the first worker-peasant state in Southeast Asia.

However, the French colonialists, assisted by the U.S. imperialists, again invaded our country. Our people "determined to sacrifice everything rather than lose the country or be enslaved," staged a protracted war of resistance against the aggressors. The great victory of the Dien Bien Phu battle gloriously concluded the resistance against the French colonialists. The 1954 Geneva agreements were signed on the basis of the recognition by other countries of the independence, sovereignty, unity and territorial integrity of Vietnam. The victories of the August revolution and the resistance against the French opened up an era of collapse of old colonialism in the world.

Replacing the French colonialists, the U.S. imperialists turned South Vietnam into a neocolony and military base and plotted to perpetuate the partition of our country, to place South Vietnam, Laos and Kampuchea in the defense line against socialism and, at the same time, to control the whole of Southeast Asia. In order to implement this plan, they waged an extremely barbaric war of aggression against Vietnam. Imbued with the truth that "nothing is more precious than independence and freedom," our people, millions as one, fought bravely, determined to liberate the south, defend the north and unify the country. The repeated victories of the peoples of Vietnam, Laos and Kampuchea compelled the U.S. imperialists to sign the 1973 Paris agreements on the basis of respect for the basic national rights of the three Indochina peoples. In the spring of 1975, the Vietnamese people won complete victory in their general offensive and uprising, climaxed by the historic Ho Chi Minh campaign.

While all of our people were carrying out the anti-U.S. national salvation resistance, the socialist revolution in the north achieved many big successes in building and consolidating the proletarian dictatorial state, doing away with the exploitation of man by man, establishing socialist production relations, initially building the material and technical bases of socialism, undertaking an ideological and cultural revolution, carrying out production while engaging in combat and, thereby fulfilling its duty as a major rear area in the anti-U.S. national salvation resistance.

The victory of the Vietnamese people in their anti-U.S. resistance heralded the total bankruptcy of neocolonialism, contributed to the consolidation and expansion of the world socialist system, fostered the national liberation movements, the workers and democratic movements and stepped up the offensive of the three revolutionary currents of our times.

Following the total liberation of the south, our people held free general elections nationwide to achieve national unification. In July 1976 the state of the Socialist Republic of Vietnam emerged in the world arena, thus opening up a new era for the Vietnamese people: the era of independence, unification and socialism.

Having just gone through 30 years of a liberation war, our compatriots wish for enduring peace so as to rebuild the country and strengthen and develop friendly relations with their neighboring countries as well with other countries. Unfortunately, they have had to cope with the Chinese expansionists and hegemonists and their lackey clique in Kampuchea. Fostering the nation's glorious tradition, our army and people scored heroic victories in their two wars of national defense against the aggression by the Kampuchean reactionaries at the southwestern border and against the aggression by the Chinese reactionaries at the northern border, thereby successfully defending their independence, sovereignty, unification and territorial integrity.

The repeated great victories of the Vietnamese revolution can be ascribed to the creative application of Marxism-Leninism by the Communist Party of Vietnam, which has marked out a correct path to lead our country's revolution: Holding aloft the twin banners of national independence and socialism, consolidating the worker-peasant alliance, promoting close solidarity among the people of various social strata in the national united front, building and developing the people's armed forces, constantly strengthening the revolutionary administration, coordinating our people's strength with the world people's revolutionary movement and combining the political and military struggles with the diplomatic struggle.

These victories are the victories of ardent patriotism, revolutionary heroism and a spirit of boundless sacrifice among the compatriots and combatants nationwide who are singleminded and united in the struggle for the cause of liberating, building and defending the fatherland.

These victories are the victories of the militant solidarity of the peoples of Vietnam, Laos and Kampuchea; of the cooperation of mutual assistance between Vietnam and the Soviet Union and other fraternal socialist countries; and of the forces of national independence, democracy and peace in the world which have given positive support to the Vietnamese people's just struggle.

Our compatriots are what they are today after going through countless sacrifices and hardships. Although their future is very bright, their immediate tasks are very heavy. All of our people are determined to strengthen their solidarity, surmount all obstacles, take up the sacred mission of great President Ho Chi Minh and enthusiastically advance along the path laid down by the Fourth VCP Congress:

"Firmly grasping proletarian dictatorship, developing the laboring people's right to collective mastery, simultaneously undertaking the three revolutions--the revolution in production relations, the scientific and technical revolution and the ideological and cultural revolution, with the scientific and technical revolution at the core; stepping up socialist industrialization--the principal task of the transitional period toward socialism; building the system of socialist collective mastery, large-scale socialist production, the new culture and new socialist men; abolishing the exploitation of man by man; doing away with poverty and backwardness; constantly heightening vigilance;

regularly strengthening national defense; maintaining political security and public order; successfully building a peaceful, independent, unified and socialist Vietnamese fatherland; and duly contributing to the world people's struggle for peace, national independence, democracy and socialism."

This constitution succeeds and develops the 1946 and the 1959 constitutions, reviews the Vietnamese people's revolutionary achievements over the past half a century, systematizes the VCP's line and policies and insures the glorious development of Vietnamese society in the new stage.

This constitution reflects the close relationship between the party as a leader, the people as master and the state as the administrator in Vietnamese society and insures the successful socialist construction and defense of the socialist fatherland.

Let all of our Vietnamese people closely unite under the VCP's invincible banner in endeavoring to comply with the constitution and score new, still greater achievements.

Chapter I

The Socialist Republic of Vietnam Political System

Article 1. The Socialist Republic of Vietnam is an independent, sovereign and unified country whose territorial integrity includes the mainland [daats lieenf], airspace, territorial waters and offshore islands.

Article 2. The Socialist Republic of Vietnam is a proletarian dictatorial state. Its historic mission is to exercise the laboring people's right to collective mastery; to mobilize and organize the people to simultaneously carry out the three revolutions--the revolution in production relations, the scientific and technical revolution in production relations, the scientific and technical revolution and the ideological and cultural revolution, of which the scientific and technical revolution is the keystone; to crush all acts of opposition by the counterrevolutionaries and all acts of aggression by the enemy from without; and to successfully build socialism and advance to communism.

Article 3. In the Socialist Republic of Vietnam, the collective masters are the laboring people, including the working class, the collective peasantry, the socialist intelligentsia and other working people, with the worker-peasant alliance, which is led by the working class, as the backbone. The state insures the constant perfecting and consolidating of the system of collective mastery of the laboring people in the political, economic, cultural and social fields: Mastery on the national scale, in each locality, in each establishment, over society, over nature and over themselves.

Article 4. The Vietnam Communist Party, which is the vanguard team and combat staff of the Vietnamese working class and which is equipped with the Marxist-Leninist doctrine, is the only force leading the state and society. It is the main factor deciding all victories of the Vietnamese revolution.

The party exists and operates for the interest of the Vietnamese working class and people.

Party organizations operate within the framework of the state's constitution.

Article 5. The socialist Republic of Vietnam is a single multinational state. All the nationalities living on Vietnamese territory are equal in rights and duties.

The state protects, strengthens and consolidates the solidarity between the various nationalities. All acts of discrimination or oppression of any nationality and all actions which undermine the unity of the nationalities are strictly prohibited.

All nationalities have the right to use their spoken and written languages, to preserve and develop their own beautiful customs, habits, traditions and culture.

The state accelerates the building of socialism in all respects in the ethnic minority areas and creates conditions for eliminating the difference in the degrees of economic and cultural development between the nationalities.

Article 6. In the Socialist Republic of Vietnam, all power belongs to the people. The people exercise state power through the National Assembly and the people's councils at all levels, elected by the people and responsible to the people.

The National Assembly, the people's councils at all levels and the other organs of state are organized and operate according to the principle of democratic centralism.

Article 7. Election of deputies to the National Assembly and the people's councils at all levels proceeds on the principle of universal, equal, direct and secret suffrage.

Deputies to the National Assembly and people's councils at all levels may be recalled by their constituents before their term of office expires if they show themselves to be unworthy of the confidence of the people.

Article 8. All organs and personnel of state must wholeheartedly serve the people, maintain close contact with them, heed their opinions and accept their supervision, develop socialist democracy and fully implement the laboring people's right to collective mastery. All manifestations of bureaucracy, authoritarianism, highhandedness and officialism are strictly prohibited.

Article 9. The Vietnamese Fatherland Front--including various political parties, the Vietnam Confederation of Trade Unions, the Vietnam Collective Peasants' Union, the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union and other members of the front--is a firm support for the state. The front develops the tradition of uniting all people, strengthens the political and moral unanimity among the people, participates in building and consolidating the people's administration and educates and motivates the people to uphold the sense of collective mastery and to strive to emulate in building socialism and defending the fatherland.

Article 10. Trade unions are the largest mass organization of the working class. They are a communist school and a school of economic and state management.

Trade unions participate in state affairs and supervise state activities. They participate in managing enterprises; educate workers and civil servants; organize a socialist emulation movement; and, together with the state, take care of the lives of workers and civil servants and insure their interests.

Article 11. The collective laboring people in organs, enterprises, cooperatives, populated areas and basic units participate in discussing, settling and controlling state and social affairs. They participate in formulating economic and cultural development plans; engage in socialist emulation; protect public property; maintain political security and social order and safety; and organize a collective life in their living and working places.

Article 12. The state manages the society according to law and constantly strengthens socialist laws.

All organs of state and social organizations and all state employees and citizens must scrupulously observe the constitution and the law and resolutely struggle to prevent and oppose offenses and violations of the constitution and the law.

Article 13. The fatherland of socialist Vietnam is sacred and inviolable.

All acts opposed to the independence, sovereignty, unification and territorial integrity of the fatherland and to the socialist transformation and socialist construction are severely punished.

Article 14. The Socialist Republic of Vietnam strengthens the militant solidarity and cooperation with the fraternal socialist countries on the basis of Marxism-Leninism and proletarian internationalism; protects and develops the friendly relations with neighboring countries; unites with the peoples of countries now struggling for national independence and social progress; implements the policy of peaceful coexistence between countries with different political and social systems on the basis of respect for each other's independence and sovereignty, nonintervention in each other's internal affairs, equality and mutual benefit; and actively supports and contributes to the struggle of the world's people against imperialism, colonialism and neocolonialism, big-power hegemonist expansionism and racism and for peace, national independence, democracy and socialism.

Chapter II

Economic System

Article 15. The Socialist Republic of Vietnam is advancing directly from a society whose economy remains essentially one of small production to socialism, bypassing the stage of capitalist development, and is building a society with a modern industrial-agricultural economy, advanced culture, science and technology, strong national defense and a civilized and happy life.

Article 16. The aim of the economic policy of the Socialist Republic of Vietnam is to satisfy better the increasing material and cultural needs of the entire society by continuously developing production and raising social labor productivity on the basis of the system of socialist collective mastery and on modern science and technology.

Article 17. The central task throughout the period of transition to socialism is the socialist industrialization of the country.

The state gives priority to the rational development of heavy industry on the basis of the development of agriculture and light industry, integrates industry and agriculture throughout the country into an industrial-agricultural structure, builds the central economy while developing the local economy, integrates the central economy and the local economy into a unified national economic structure, combines the development of the productive forces with the establishment and perfection of socialist production relationships,

combines the economy with national defense and strengthens relations of cooperation and mutual assistance with the fraternal socialist countries in the spirit of socialist internationalism while developing economic relations with other countries on the basis of respect for each other's independence and sovereignty, equality and mutual benefit.

Article 18. The state promotes the scientific and technical revolution, builds the country's modern science and technology and grasps science and technology to develop the productive forces, increase labor productivity, raise the quality of products and accelerate socialist industrialization.

Article 19. The state defines systems and applies necessary measures to insure that the working people can fully exercise the right to collective mastery over the means of production and the work force, over production and distribution and over science and technology, thus making economic development truly an undertaking of the entire people.

Article 20. The state carries out the revolution in production relationships, transforms the nonsocialist economic elements, establishes and consolidates the system of socialist ownership of the means of production, realizes a national economy consisting mainly of two elements: The state economic element, which falls under the ownership of the entire people, and the cooperative economic element, which falls under the collective ownership of the working people.

The state-run economy plays the leading role in the national economy and is developed on a priority basis.

Article 21. All land, forests and mountains, all rivers, mines, natural energy sources, resources lying underground and on the continental shelf and in territorial waters, all state industrial, agricultural, forestry and trade enterprises, all banks and insurance organizations, all projects serving public interests, all railroad, highway, waterway and airway systems, all dams and dikes and important water conservancy projects, all installations serving national defense, all information and liaison systems, all radio broadcasting, cinematographic and television systems, all scientific and technical research installations, all cultural, educational, public health and social installations and all other property defined by law as belonging to the state fall under the ownership of the entire people.

Article 22. The state conducts unified management of land in accordance with a general plan so as to insure that agricultural land, forestry land, land reserved for special purposes and other kinds of land are used in a rational and economical manner.

Collectives and individuals who are using land are allowed to continue to do so and to enjoy the fruit of their labor in accordance with the regulations defined by law.

All collectives or individuals using land have the responsibility to protect, improve and exploit it in accordance with the state's policies and plans.

Land reserved for agriculture and forestry must not be used for other purposes if not allowed by competent state organs.

Article 23. The state has the monopoly of foreign trade and all other economic relations with foreign countries.

Article 24. When such action is necessary in the public interest, the state may make confiscatory purchases, requisitions or expropriations, with compensation, of property of the citizens or collectives.

The formalities applied in such confiscatory purchases, requisitions and expropriations are defined by law.

Article 25. The state guides and helps the development of the collective sector of the economy.

The property of cooperatives and other collective organizations of the working people is protected by the state according to law.

The cooperatives conduct business in accordance with the guidelines and economic plans of the entire country and the localities so as to insure unceasing development of production, increase the income and improve the living conditions of cooperative members and satisfactorily fulfill their obligation to the state while increasing their own accumulation.

The management of cooperatives must insure that the right to collective mastery of cooperative members is respected and developed.

The family-run auxiliary economy of cooperative members is recognized and protected by the state according to law.

Article 26. The state encourages, guides and helps individual peasants, handicraftsmen and other private laborers to enter the path of collective production and to organize production cooperatives and other forms of cooperation in accordance with the principle of voluntariness.

Small traders are guided and helped to gradually shift to production or other suitable professions.

The areas in agriculture, artisan industry, handicrafts, fine arts and services where private labor activities are permitted are defined by law.

Article 27. In the Socialist Republic of Vietnam, all forms of feudal exploitation are abolished and all economic establishments of the comprador bourgeoisie are nationalized without compensation.

Article 28. The state carries out socialist transformation of the private capitalist economic elements by using the form of joint state-private enterprise or other appropriate forms.

Article 29. The state protects the right of citizens to possess lawfully earned incomes, savings, houses, private means of life and production tools used in the family auxiliary economy and used in cases in which individual labor activities are allowed.

The state by law protects the right of citizens to inherit private property.

Article 30. Labor is the most decisive factor for developing the economy and raising the people's living standards. On the basis of the requirements for developing the economy and culture and consolidating national defense, the state formulates plans for rationally distributing and using the work force in society on a national scale and in each locality and production installation.

Article 31. In coordination with trade unions and other people's organizations, the state combines political education and moral motivation with encouragement by means of material incentives [lowij ichs vaatj chaats] in order to accelerate the socialist emulation movement.

Article 32. The state issues regulations on and closely controls the employment of manpower, materials and capital in all economic activities and in state management and educates and motivates all the people to build socialism with industry and thrift.

Article 33. The Socialist Republic of Vietnam applies the principle of working according to one's abilities and being remunerated according to one's labor. Meanwhile, the state and collectives gradually increase social welfare on the basis of developing production and increasing labor productivity.

Article 34. The state exercises leadership over the national economy according to a unified plan and enhances the spirit of initiative and creative ability of all echelons, sectors, basic units and people's organizations in order to formulate and implement state plans. The state mobilizes and rationally uses all the work forces, natural resources and material and technical bases of the country with a view to insuring that the national economy develops comprehensively, harmoniously and steadily, at an accelerated pace and with high efficiency.

Article 35. The state organizes social production along the line of large-scale socialist production; establishes and constantly perfects the system of economic management; correctly implements socialist economic laws; applies the principle of democratic centralism and the principle of combining management according to each sector with management according to each locality and territorial region; strengthens the leadership of the central echelons along with enhancing the managerial abilities of localities and basic units; carries out the economic accounting system, the hierarchic system [chees doo] thur truwowngr] and the system of individual responsibility; and formulates and insures observance of economic laws.

Article 36. The state severely punishes all acts of speculating and hoarding goods and engaging in illegal trade, which disrupt the market, jeopardize implementation of state plans and cause difficulties to the people's life. The state prevents and eliminates such vices as bureaucratism, waste and corruption and all other negative manifestations in economic life.

Article 37. State organs, enterprises, cooperatives, people's armed forces units and citizens have the duty to carry out the policy of protecting, transforming and revitalizing natural resources and improving the environment of human beings.

Chapter III

Culture, Education

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Article 38. The Socialist Republic of Vietnam promotes the ideological and cultural revolution, builds a new culture with a socialist content and national nature and with party and popular character and builds a new type of people who serve as collective masters, work diligently, respect public property, have scientific and technical knowledge, are healthy and display socialist patriotism and proletarian internationalism.

Article 39. Marxism-Leninism is the ideology guiding the development of Vietnamese society.

The state widely conducts propaganda and education in Marxism-Leninism, in the line and policies of the Vietnam Communist Party and in the constitution and laws of the Socialist Republic of Vietnam. It protects and raises the moral values of the nation, absorbs the quintessence of the world's culture, opposes feudal and bourgeois ideologies and the influences of the imperialist and colonialist culture, builds the socialist lifestyle, abolishes the backward lifestyle and eradicates superstition.

Article 40. The state applies itself to strengthening the material bases, defining systems and carrying out necessary measures to guarantee the working people's right to collective mastery in culture and education, to developing the people's positive and creative characters, to making the building of the new culture and the new type of people truly an undertaking of the entire people and to insuring that the entire people enjoy the fine achievements of the national culture and the world culture.

Article 41. Vietnamese education is being continuously developed and improved according to the principle that theory must go along with practice, that education must be combined with productive labor and that the school must be closely linked with society so as to form socialist laborers of quality and revolutionary generations for the future.

Article 42. Educational work is placed under the unified management of the state.

The state applies itself to achieving a balanced development of the educational system from kindergarten to undergraduate, graduate and postgraduate school; widely developing vocational schools, work-study schools and the in-service educational system; completing the eradication of illiteracy; strengthening supplementary education work; and incessantly raising the cultural standards of all of the people.

The Ho Chi Minh Communist Youth Union, families and the entire society work in close coordination with the schools in the education of youth, teenagers and children.

Article 43. Social science and natural science are developed vigorously.

The state applies itself to the dissemination and teaching of science and technology; develops and rationally uses the corps of managerial cadres, scientific-technical cadres and technical workers; encourages research, invention and discovery; combines teaching and research with production, life and national defense; and develops the spirit of self-reliance, initiative and creativity while making every effort to study and apply the achievements of modern science and technology of the world.

Article 44. Vietnamese literature and art are created from the Marxist-Leninist stand and viewpoint and along the Vietnam Communist Party's literary and artistic line.

Professional and amateur literary and artistic activities are encouraged to develop, with a view to educating the people to understand the lines and policies of the party and the state; educating them in revolutionary ethics, thoughts and feelings; raising their aesthetic standards; and meeting their cultural demands.

Article 45. Information, press, publishing, cinema, radio and television work is developed and its political, ideological, and literary and artistic quality is constantly improved in order to guide public opinion, to educate the public in politics, culture and science and technology, and to motivate all the people to do their best in socialist emulation.

Article 46. Historic relics, cultural projects, beautiful, well-known sites and scenic spots are rehabilitated and preserved.

Article 47. The state pays attention to caring for, protecting and improving the people's health; builds Vietnamese medical science and pharmacology; combines modern medicine with the nation's traditional medicine; combines prophylactics with treatment of diseases, with prophylactics as a main task; and combines the development of the state-sponsored health service with the development of the people's health service at the grassroots levels.

The state and society protect mothers and children and promote the campaign for family planning.

Article 48. Vietnamese physical culture and sports of a national, scientific and popular character are developed vigorously and harmoniously with a view to improving the health and increasing the physical strength of the people so that they can join in building socialism and defending the fatherland.

Tourism is encouraged and properly organized.

Chapter IV

Defend the Socialist Fatherland

Article 49. The Socialist Republic of Vietnam builds a comprehensive, modern and all-people national defense on the basis of combining national construction with national defense, combining the strength of the people's armed forces with the strength of all the people and combining the nation's traditional strength against foreign aggression with the strength of the socialist system.

Article 50. The people's armed forces of the Socialist Republic of Vietnam are absolutely loyal to the people's revolutionary cause; have the duty to stand ready to fight to defend the revolutionary gains, the fatherland's independence, sovereignty, unification, territorial integrity and security and the people's freedom, happiness and peaceful labor; and join all the people in building the country.

Article 51. The state develops the people's patriotism and revolutionary heroism, implements the military obligation system, takes care of the national defense industry and mobilizes human resources and necessary means in order to build strong people's armed forces and to constantly increase national defense capabilities.

All state organs, social organizations and citizens must fully perform national defense duties prescribed by law.

Chapter V

Fundamental Rights and Duties of Citizens

Article 52. Citizens of the Socialist Republic of Vietnam hold Vietnamese citizenship as prescribed by law.

Article 53. The rights and duties of citizens of the Socialist Republic of Vietnam reflect the working people's right to collective mastery, harmoniously combine the demands of social life with the genuine freedom of individuals, and guarantee the unanimity of interests between the state, collectives and individuals on the principle: "One for all, all for one."

The rights of citizens are not separated from their duties.

The state guarantees the rights of citizens; citizens must fulfill their duties.

No one has the right to take advantage of democratic freedoms to violate the interests of the state and the people.

Article 54. All citizens are equal before the law.

Article 55. Citizens have the right to participate in managing state and social affairs.

Article 56. Citizens who have reached the age of 18 have the right to vote, and those who have reached the age of 21 have the right to stand for election, whatever their nationality, sex, social stratum, religion, beliefs, education, occupation and length of residence, except insane persons and persons deprived by law or by a people's tribunal of the right to vote and stand for election.

Article 57. Working is the prime right, duty and honor of citizens.

Citizens have the right to work. Able-bodied persons must work.

On the basis of the economic development plan, the state creates more employment, assigns work according to individual abilities and social demands, improves professional standards, increases the worker's physical strength, and constantly improves the working conditions of manual and intellectual workers.

The state regulates and guarantees implementation of systems on preventing labor accidents and guarding against work-related diseases.

Article 58. Working people have the right to rest. The state prescribes working hours and a system of recuperation and rest for workers and civil servants. Working people have the right to material assistance during the period of retirement, in old age and in case of illness or disability. The state guarantees to working people enjoyment of the right of social insurance and gradually expands social insurance in keeping with the development of the national economy.

The state guides cooperatives in gradually implementing the system of social insurance vis-a-vis cooperative members.

Article 59. It is the right and duty of citizens to study. The state enforces step-by-step the system of compulsory general education, implements a system of free education and a policy of granting scholarships, and creates favorable conditions for citizens to study.

Article 60. Citizens have the right to the protection of their health and to the free treatment of illnesses.

Article 61. Citizens have the right to own houses. The state expands the building of housing quarters and, at the same time, encourages and helps collectives and citizens to build houses according to a general plan, in order to gradually insure the exercise of this right.

Article 62. Women enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life.

The state and society care for the working, health and living conditions of women, raise their political, cultural, scientific-technological and professional standards, and incessantly develop their role in society.

The state implements working policies suitable for the conditions of women. For the same work, women enjoy equal pay with men. Women have the right to fully paid period of leave before and after childbirth if they are workers or office employees, or enjoy childbirth allowance if they are members of cooperatives.

The state and society care for the development of maternity hospitals, creches, kindergartens, public mess halls and other public welfare establishments, creating favorable conditions for women to produce, work and rest.

Article 63. Family is the cell of society.

The state protects marriage and the family and creates conditions for citizens to set up happy families.

Marriage is based on the principles of freedom, progress, monogamy, and equality between husband and wife.

It is the parent's duty to bring up and educate their children to become useful citizens of society. Children have the responsibility to care for their parents.

The state recognizes no discriminatory treatment among children, and legitimate and illegitimate children.

Article 64. The state and society pay attention to the protection, care and education of teenagers and children, and gradually assume broader responsibility for the bringing up and education of children, thus guaranteeing the life, study and maturity of all children.

The state and society pay attention to educating youth, fostering their aptitudes, and caring for their health and their working, study and recreational conditions. Youth must fulfill their duty as an assault force in the emulation movement to build socialism and defend the fatherland, and in the revolution in production relationships, the scientific and technological revolution, and the ideological and cultural revolution.

Article 65. Citizens enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, and freedom of demonstration in conformity with the interests of socialism and of the people.

The state guarantees necessary material conditions for citizens to enjoy these freedoms.

Article 66. Citizens enjoy freedom of religious belief; they may practice or not practice a religion.

No one is allowed to take advantage of religion to act in contravention of the state law and policies.

Article 67. Citizens enjoy the inviolability of their person.

No one may be arrested without the decision of a people's court, and without the decision or sanction of a people's procuratorate.

The arrest and detention of persons must be strictly in accordance with the law.

Article 68. Citizens enjoy the inviolability of their homes. No one may enter the home of another person without the latter's agreement, except when permitted by the law. House searches must be conducted by representatives of competent state organs as prescribed by law.

The secrecy of correspondence, telephones and telegrams is guaranteed. The freedom of movement and residence is respected as prescribed by law.

Article 69. Citizens have the right to engage in scientific and technological research, literary and artistic creation, and other cultural activities. The state encourages and assists citizens to engage in scientific, technological, literary and artistic pursuits with a view to serving life, socialist construction and national defense, and to foster and develop personal strong points and aptitudes.

The rights of authors, inventors and discoverers are guaranteed.

Article 70. Citizens have the right to complain and denounce to any organ of the state the transgression of law by organs of the state and social organizations, or by the cadres and personnel of these organs and organizations.

Complaints and denunciations must be considered and settled rapidly.

All infringements on the legitimate rights of citizens must be promptly rectified and severely dealt with. People suffering from loss owing to these infringements are entitled to compensation.

It is strictly prohibited to take revenge on complainants and denouncers.

Article 71. The state applies the policy of preferential treatment toward war invalids and the families of fallen soldiers. War invalids are to be rehabilitated and returned to normal life.

People and families that have rendered meritorious services to the revolution are commended, rewarded and meticulously cared for.

Orphans are brought up and educated by the state and society.

Old people without means of support and handicapped people are given assistance.

Article 72. The state protects the legitimate rights of Overseas Vietnamese.

Article 73. To defend the socialist Vietnamese fatherland is a sacred duty and noble right of citizens. It is the duty of citizens to discharge the military obligation and to participate in building all people's national defense.

Article 74. Citizens have the duty to abide by the constitution and the law, uphold discipline at work, protect political security, public order and social safety, safeguard state secrets, and respect the principles of socialist life.

Article 75. Socialist property is sacred and inviolable. Citizens have the duty to respect and protect socialist property.

Article 76. Citizens have the duty to pay taxes and participate in labor in the public interests as prescribed by law.

Article 77. The state of the Socialist Republic of Vietnam grants the right of asylum to foreign nationals persecuted for struggling for freedom, national independence, socialism, democracy and peace, or for engaging in scientific activity.

Chapter VI

National Assembly

Article 78. The National Assembly is the highest organ of state authority of the Socialist Republic of Vietnam.

The National Assembly is the only constitutional and legislative authority.

The National Assembly decides basic domestic and foreign relations policies, economic and cultural development objectives and the main rules on the activities of citizens and on the organization and operation of the state apparatus.

The National Assembly exercises the right of supreme control of the overall activities of the state.

Article 79. The National Assembly exercises the following functions and powers:

1. To enact and amend the constitution;
2. To enact and amend laws;
3. To exercise the right of supreme control over the enforcement of the constitution and laws;
4. To decide on state plans;
5. To decide on the draft state budget and ratify the final state budget;
6. To regulate the organization of the National Assembly, the Council of State, the Council of Ministers, the people's councils and people's committees, the people's court and the people's procuratorate;
7. To elect and remove from office the chairman, vice chairmen and other members of the Council of State; the chairman, vice chairmen and other members of the Council of Ministers; the president of the People's Supreme Court; and the chief procurator of the People's Supreme Procuratorate;
8. To decide the establishment or abolition of ministries and of organs having a status equal to that of a ministry;
9. To examine the work reports of the Council of State, the Council of Ministers, the People's Supreme Court and the People's Supreme Procuratorate;
10. To regulate, amend or abolish taxes;
11. To decide the delineation of boundaries of provinces, and municipalities directly under the central authority, and administrative units having a status equal to that of a municipality;
12. To decide on general amnesties;
13. To decide on questions of war and peace;

14. To entrust social organizations with implementing some duties under state management. The National Assembly may prescribe for itself other functions and powers, when necessary.

Article 80. The term of office of the National Assembly is 5 years.

A new National Assembly must be elected 2 months before the term of office of the sitting National Assembly expires.

The electoral procedure and the number of deputies are prescribed by law.

Under exceptional circumstances, the National Assembly may decide to prolong its term of office and take necessary measures to insure its activities.

Article 81. The National Assembly meets twice a year, convened by the Council of State [Hooij Doongf Nhaf Nwows]. The Council of State may convene extraordinary sessions of the National Assembly according to its decisions, or at the request of the Council of Ministers or of a minimum of one-third of the total number of deputies.

The new National Assembly is convened not later than 2 months after the general elections.

Article 82. The Council of State, the Council of Ministers [Hooij Doongf Boo] Trwowngr] the chairman of the National Assembly, the National Defense Council, the Nationalities' Council, [Hooij Doongf Daan Toocj], National Assembly committees, National Assembly deputies, the People's Supreme Court, the chief procurator of the People's Supreme Procuratorate, the Vietnam Fatherland Front, the Vietnam Confederation of Trade Unions, the Vietnam Collective Peasants' Union, the Ho Chi Minh Communist Youth Union, and the Vietnam Women's Union have the right to present draft laws to the National Assembly.

Article 83. Laws and other resolutions of the National Assembly require a simple majority vote of all deputies to the National Assembly, except in the case of amendment of the constitution as specified in article 143.

Laws must be promulgated no later than 15 days after their adoption by the National Assembly.

Article 84. The first session of each National Assembly is inaugurated by the chairman of the Council of State. The chairman of the Council of State presides over all meetings until the chairman of the new National Assembly is elected.

Article 85. The National Assembly elects a commission for examination of the qualifications of deputies to the National Assembly. The National Assembly will base itself on the reports of this commission in deciding on the recognition of the qualifications of deputies.

Article 86. The National Assembly elects its chairman and vice chairmen. The number of vice chairmen is decided by the National Assembly.

The National Assembly chairman presides over all meetings of the National Assembly, insures the implementation of bylaws of the National Assembly, maintains relations with the National Assembly deputies, harmonizes and coordinates the activities of the National Assembly committees, authenticates [chuwngs thuwcj] the laws and resolutions passed by the National Assembly, and carries out the foreign relations of the National Assembly.

Vice chairmen of the National Assembly assist the National Assembly chairman in exercising the above functions and powers.

The National Assembly chairman has power to attend the meetings of the Council of State.

Article 87. The National Assembly elects the National Defense Council. The National Defense Council mobilizes all forces and capabilities of the country to defend the fatherland. In the event of war, the National Assembly or the Council of State may invest the National Defense Council with special functions and powers.

Article 88. The National Assembly elects the Council of Nationalities. The council of nationalities studies and recommends to the National Assembly and the Council of State questions related to nationalities.

The chairman of the Council of Nationalities has power to attend the meetings of the Council of State.

Article 89. The National Assembly establishes its standing committees [cacs uyr ban thuwowngf truwcj]. These standing committees study and review draft laws, draft regulations and other drafts or reports submitted by the National Assembly and the Council of State; recommend to the National Assembly and the Council of State matters within the scope of activities of the standing committees; and assist the National Assembly and the Council of State in exercising their right of control.

The National Assembly and the Council of State, when they consider it necessary, may organize provisional committees [cacs uyr ban laam thowif] to perform definite functions.

Article 90. The National Defense Council, the Council of Nationalities and the committees of the National Assembly have power to ask the members of the Council of Ministers and other officials concerned to present or provide for documents on necessary matters. Persons asked to do so are responsible for satisfying such a demand.

Article 91. Deputies to the National Assembly must maintain close contact with the electorate, submit to the control of the electorate, implement the system of contacting and reporting to the electorate on their activities and those of the National Assembly, answer the inquiries and petitions of the electorate, and examine and help solve the complaints and denunciations of the people.

Deputies to the National Assembly propagandize and disseminate laws and policies of the state and motivate the people to participate in managing the state.

Article 92. Deputies to the National Assembly have the right to address questions to the Council of Ministers and its members, to the president of the People's Supreme Court, and to the chief procurator of the People's Supreme Procuratorate.

The organs or persons to which questions are put are obliged to answer before the National Assembly during a session of the National Assembly. In the event of investigations having to be carried out, the National Assembly may decide that the answer be given before the Council of State or at the next session of the National Assembly.

Deputies to the National Assembly have the right to make suggestions [kieens ngij] to the state organs. Persons in charge of these organs are responsible for receiving the deputies and examining and solving their suggestions.

Article 93. No deputy to the National Assembly may be arrested and prosecuted without the consent of the National Assembly or, when the National Assembly is not in session, of the Council of State.

If a deputy to the National Assembly is caught red-handed and temporarily detained, the organ temporarily detaining him must immediately report to the National Assembly or the Council of State for examination and decision.

Article 94. State organs are responsible for creating favorable conditions for deputies to the National Assembly to perform their duties.

Chapter VII

The Council of State

Article 95. The Council of State is the standing organ of the National Assembly and, at the same time, is the Presidium of the Socialist Republic of Vietnam.

The Council of State performs the duties and exercises the powers entrusted to it by the constitution, the laws and resolutions of the National Assembly, decides on important issues concerning the building of socialism and the defense of the fatherland, supervises the application of the laws and resolutions of the National Assembly, and supervises the activities of the state apparatus.

The Council of State, through its Chairman, represents the Socialist Republic of Vietnam in internal and external affairs.

The Council of State is responsible to the national assembly and reports to it.

Article 96. The Council of State, elected from the National Assembly deputies, is composed of:

Chairman of the Council of State,

Vice Chairmen of the Council of State,

General Secretary of the Council of State,

Members of the Council of State,

The Vice Chairmen and members of the Council of State are appointed by the National Assembly.

Members of the Council of State cannot serve at the same time as members of the Council of Ministers.

Article 97. The Council of State has the following duties and powers:

1. To proclaim and direct the election of deputies to the National Assembly.
2. To convene National Assembly sessions.
3. To promulgate laws.
4. To issue regulations.
5. To interpret the laws.
6. To decide on referenda.
7. To supervise the work of the Council of Ministers, the People's Supreme Court and the People's Supreme Procuratorate.
8. To suspend the application of, revise or annul decrees and resolutions of the Council of Ministers which contravene the Constitution, laws and regulations.
9. To supervise the activities of the people's councils at all levels with a view to bringing into play their function as organs representing the people.
10. To revise or annul inappropriate resolutions issued by the people's councils of provinces and municipalities directly subordinate to the central government and equivalent levels, and to dissolve the above-mentioned people's councils if they do serious harm to the people's interests.
11. To decide, when the National Assembly is not in session, the establishment or abolition of ministries and organs of ministerial level.
12. To appoint or remove the vice chairmen of the Council of Ministers, ministers and heads of organs of ministerial level when the National Assembly is not in session.

13. To appoint or remove the vice presidents, judges and the people's jurors of the People's Supreme Court, to appoint or remove the deputy chief procurators and procurators of the People's Supreme Procurate.
 14. To appoint, remove or recall plenipotentiary diplomatic representatives of the Socialist Republic of Vietnam to foreign states and international organizations.
 15. To receive plenipotentiary diplomatic representatives of foreign states.
 16. To ratify or abrogate international treaties, except when the Council of State considers it necessary to submit such treaties to the National Assembly for decision.
 17. To regulate military, diplomatic and other grades and ranks.
 18. To regulate and decide on the award of state orders, medals and titles of honor.
 19. To decide on the granting of special amnesties.
 20. To proclaim, when the National Assembly is not in session, a state of war in the event of aggression against the country.
 21. To decide on general or partial mobilization and on the enforcement of martial law throughout the country or in certain localities.
- The decisions taken by the Council of State mentioned in points 11, 12 and 20 must be submitted to the National Assembly for ratification in its earliest session.
- The National Assembly may entrust the Council of State with other duties and powers when it considers it necessary to do so.

Article 98. The term of office of the Council of State corresponds to that of the National Assembly.

When the term of the National Assembly is over, the Council of State will continue to perform its duties until a new Council of State is elected by the new National Assembly.

Article 99. The resolutions of the Council of State must be approved by a simple majority vote of its members.

Article 100. The chairman of the Council of State is the Commander in Chief of the People's Armed Forces throughout the country and holds the position of Chairman of the National Defense Council.

Chapter VIII

Council of Ministers

Article 101. The Council of Ministers is the government of the Socialist Republic of Vietnam, the executive organ of the highest organ of state authority, and the highest administrative organ of the state.

The Council of Ministers exercises unified control over the implementation of the political, economic, cultural, social, security, national defense and foreign relations work of the state. It strengthens the effectiveness of the state apparatus from the central to grassroots levels, insures the observance and execution of laws, develops the people's right to collective mastery, insures the building of socialism and constantly improves the people's material and cultural life.

The Council of Ministers is responsible to the National Assembly and reports on its work to it and, when the National Assembly is not in session, to the Council of State.

Article 102. The Council of Ministers is composed of:

- The Chairman of the Council of Ministers,
- The Vice Chairmen of the Council of Ministers,
- The ministers and heads of organs of ministerial level.

Article 103. The president of the Vietnam Confederation of Trade Unions has power to attend the meetings of the Council of Ministers.

The chairman of the Vietnam Fatherland Front Central Committee and representatives of people's organizations which are members of the front may be invited to attend the Council of Ministers meetings, when necessary.

Article 104. The Council of Ministers carries out the following duties and functions:

1. To submit draft laws, draft regulations and other drafts to the National Assembly and the Council of State.
2. To insure execution of laws and regulations.
3. To formulate draft state plans and draft state budget plans for submission to the National Assembly, and to organize implementation of state plans and state budget plans.
4. To exercise unified control over the transformation, building and development of the National Economy, and the building and development of national culture and education.
5. To exercise unified monetary and credit control.
6. To take care of and improve the people's material and cultural life.
7. To protect the legitimate rights of citizens and create conditions for them to enjoy their rights and fulfill their obligations.
8. To build and perfect the state managerial apparatus from the central to grassroots levels, and to improve, organize and use the force of state cadres.
9. To carry out unified leadership over the work of ministries, organs of ministerial level and organs directly subordinate to the council of ministers.
10. To organize and lead state economic arbitrators.
11. To insure that the people's councils at all levels carry out the duties and powers of the state organs of authority in localities.
12. To exercise unified leadership over the people's committees at all levels.
13. To suspend the execution of and to revise or annul inappropriate decisions of ministries, organs of ministerial level and organs directly subordinate to the council of ministers.
14. To suspend the implementation of inappropriate resolutions of the people's councils of provinces, municipalities directly under the central authority and at equivalent levels, and to recommend to the Council of State revision or annulment of these resolutions.
15. To suspend the implementation of and to revise or annul inappropriate decisions and directives of the people's committees at all levels.
16. To create favorable conditions for the Vietnam Fatherland Front and the front's member organizations to operate.
18. To insure political security and social order and safety.
19. To execute measures aimed at safeguarding the interests of the state and society.
20. To carry out orders of mobilization, martial law, and all other necessary measures to defend the fatherland.
21. To ratify territorial boundaries of administrative areas below the provincial level and municipalities directly under the central authority.
22. To organize and control the state's foreign relations work, and to direct execution of the treaties that have been signed.

The National Assembly and the Council of State may invest the Council of Ministers with other duties and powers when they judge it necessary to do so.

Article 105. The term of office of the Council of Ministers corresponds to that of the National Assembly.

When the term of the National Assembly is over, the Council of Ministers will continue to perform its duties until a new Council of Ministers is elected by the new National Assembly.

Article 106. In pursuance of the constitution, laws and regulations, the Council of Ministers issues decrees and resolutions and supervises their execution. The council of ministers' decrees and resolutions must be approved by a simple majority of vote of its members.

Article 107. The chairman of the Council of Ministers leads the work of the Council of Ministers, supervises and controls execution of the decisions of the National Assembly, the Council of State and the Council of Ministers and, on behalf of the Council of Ministers, leads the work vis-a-vis ministries, organs of ministerial level, organs directly subordinate to the Council of Ministers, and people's committees at all levels. The vice chairmen of the Council of Ministers assist the chairman in his work and may replace him in the event of his absence.

Article 108. The ministers and heads of organs of ministerial level under the unified leadership of the Council of Ministers are responsible for organizing and leading the work of their respective departments or fields of activity on the national scale. In pursuance of the National Assembly's laws, the Council of State's regulations and the Council of Ministers' decrees and resolutions, ministers and heads of organs of ministerial level issue decisions, circulars and directives and control their execution.

Article 109. Each member of the Council of Ministers is individually responsible for his own work to the National Assembly, the Council of State and the Council of Ministers and, at the same time, together with other members of the Council of Ministers, is collectively responsible to the National Assembly and the Council of state for the activities of the Council of Ministers.

Chapter IV

People's Councils and People's Committees

Article 110. The administrative division of the Socialist Republic of Vietnam is as follows:

The country is divided into provinces, municipalities directly subordinate to the central authority, and equivalent administrative units.

Provinces are divided into districts, municipalities subordinate to the provinces, and cities. Municipalities directly subordinate to the central authority are divided into precincts, districts, and cities.

Districts are divided into villages and towns. Municipalities subordinate to the provinces and towns are divided into wards and villages.

People's councils and people's committees are established in all the above-mentioned administrative units.

Article 111. People's councils are the local organs of state authority, are elected by the local people and are responsible to them and to the state administration at higher levels.

The people's councils decide on and apply measures aimed at building their respective localities in all fields so as to insure a gradual improvement of the living conditions of the local people and to fulfill the tasks entrusted by higher levels.

Article 112. The people's councils exercise the following functions and powers.

1. To insure observance and execution of law in their respective localities and decide on measures to carry out state policies and tasks entrusted by higher levels.
2. To decide on local plans and draft budgets and ratify the final statements of local budgets.
3. To decide on problems concerning circulation, distribution and services in their respective localities so as to meet the demands of production and life.
4. To insure the building of the all-people national defense and the people's armed forces in their respective localities.
5. To insure political security, public order and social safety.
6. To protect socialist property.
7. To insure the equal rights of the nationalities.
8. To insure that citizens enjoy their rights and fulfill their duties.

9. To elect and remove members of people's committees and members of the people's courts at corresponding levels.

10. To revise or annul inappropriate decisions issued by the people's committees at corresponding levels or by the people's councils at the next lower level.

11. To dissolve people's councils at the next lower level when the latter do serious harm to the people's interests.

Such a resolution must be ratified by the people's council at the next higher level prior to its application. A resolution of dissolution issued by the people's councils of provinces, municipalities directly subordinate to the central authority and equivalent levels must be ratified by the Council of State prior to its application.

12. To supervise, within the limits of their powers, the observance of law by organs, enterprises and other organizations of higher levels in their respective localities.

Article 113. The term of office of the people's councils of provinces, municipalities directly subordinate to the central authority and corresponding levels is 4 years. The term of office of the people's councils at other levels is 2 years.

Article 114. The people's councils issue resolutions and verify their execution on the basis of state law and of decisions taken at higher levels.

Resolutions issued by the people's councils must be approved by a simple majority vote of all of their members.

Article 115. The people's councils establish necessary committees to assist them in deciding on policies and operational measures in their respective localities and in verifying the observance of state law and policies and of the councils' resolutions.

Article 116. Representatives to people's councils must maintain close relations with the electorate, submit to the supervision of the electorate on their activities and those of the people's councils, answer the inquiries and petitions of the electorate, and examine and help settle the complaints and denunciations of the people.

Representatives to people's councils propagandize and disseminate laws and policies of the state and resolutions of the people's councils, and motivate the people to participate in managing the state.

Article 117. Representatives to people's councils have the right to address questions to people's councils and other state organs in their respective localities. The organs to which questions are put are obliged to answer before the people's councils within the period prescribed by law.

Representatives to people's councils have the right to make suggestions to the state organs in their respective localities. It is the responsibility of the persons in charge of these organs to receive the representatives and examine and act upon their suggestions.

Article 118. People's committees are the executive organs of the people's councils and are the administrative organs of state in their respective localities.

People's committees are responsible to the people's councils at corresponding levels and to the people's committees at the next higher level, and shall report on their work to these bodies. People's committees of provinces and municipalities directly subordinate to the central authority are responsible to the people's councils at corresponding levels and to the Council of Ministers, and shall report on their work to these bodies.

Article 119. The people's committee is composed of chairman, one or several vice chairmen, a secretary, and a number of committee members.

Chairmen of the Vietnam Fatherland Front committees and representatives of the people's organizations within the front in the respective localities may be invited to attend the conferences of the people's committees at corresponding levels when necessary.

Article 120. People's Committees convene conferences of the people's councils at corresponding levels; execute resolutions of the people's councils and decisions and directives of the administrative organs of state at higher levels; manage administrative work in their respective localities; direct their subordinate sectors and levels so as to fulfill state plans, build the economy, develop culture, strengthen national defense, and improve the people's living conditions; and consider and settle complaints, denunciations and petitions of the people.

Article 121. The people's committees at all levels, within the limits of the authority prescribed by law, issue decisions and directives and verify their execution. The people's committees have power to suspend the carrying out of and to suspend or annul inappropriate decisions of their subordinate sectors and of the people's committees at lower levels, and to suspend the carrying out of inappropriate resolutions of the people's councils at the next lower level, and to propose to people's councils at corresponding levels the revision or annulment of such resolutions.

Article 122. The term of office of a people's committee corresponds to that of the people's council.

When the term of office of the people's council is over, the people's committee continues to exercise its functions until a new people's council has elected a new people's committee. In case the people's council is dissolved, the people's committee at the next higher level will appoint a provisional people's committee to carry on its work until a new people's council has elected a new people's committee. In case people's councils of provinces or municipalities directly subordinate to the central authority or equivalent levels are dissolved, the Council of Ministers will appoint provisional people's committees.

Chapter X

The People's Courts and the People's Organs of Control

Article 123. The people's courts and the people's organs of control of the Socialist Republic of Vietnam are responsible for protecting socialist laws, the socialist system and the working people's right to collective mastery; protecting socialist property; and insuring the respect for the lives, property, freedom and human dignity of citizens. All violations of the state and collective interests and the legitimate rights of citizens must be judged according to law.

The People's Courts

Article 124. The people's Supreme Court, the local people's courts, and the military courts are judicial organs of the Socialist Republic of Vietnam. Under exceptional circumstances or when special cases are to be tried, the National Assembly or the Council of State may decide to establish special courts. In localities, mass organizations may be set up to settle cases of minor violation of laws and minor disputes among the people, as provided for by law.

Article 125. The system of elected judges is applied to the people's courts at all levels.

The term of office of the chiefs of justice, deputy chiefs of justice and judges of the people's courts at all levels corresponds to that of the organs which have elected them.

Article 126. Judicial proceedings in the people's courts must be carried out with the participation of people's assessors [hooij thaamr nhaan daan] according to law. In administering justice, people's assessors enjoy the same powers as judges. The system of electing people's assessors is applied to the people's courts at all levels. The term of office of people's assessors of the People's Supreme Court is 2 1/2 years. The term of office of people's assessors of the local people's courts is 2 years.

Article 127. In administering justice, judges and people's assessors are independent and subject only to law.

Article 128. The people's courts apply the system of jury trial [nets xuwr taapj theer] and make decisions by a majority

Article 129. Cases in the people's courts are heard in public unless otherwise provided for by law.
The accused is guaranteed the right to defense.

Article 130. The people's courts insure that all citizens of the Socialist Republic of Vietnam belonging to national minorities use their own spoken and written languages in court proceedings.

Article 131. The people's Supreme Court is the highest judicial organ of the Socialist Republic of Vietnam.

The People's Supreme Court supervises the judicial work of local people's courts and military courts. The People's Supreme Court supervises the judicial work of special courts unless otherwise provided for by the National Assembly or the Council of State when they are established.

Article 132. The People's Supreme Court is responsible to the National Assembly and reports to it or, when the National Assembly is not in session, to the Council of State.

The local people's courts are responsible to the local people's councils at corresponding levels and report to them.

Article 133. The court rulings and decisions of the people's courts, which have a legal effect, must be abided by state organs, social organizations and all citizens, persons and units concerned must strictly carry out these rulings and decisions.

People's Organs of Control

Article 134. The people's supreme organ of control of the Socialist Republic of Vietnam controls the observance of the law by all ministries, organs of ministerial level, organs directly under the Council of Ministers, all local organs of state, social organizations, cadres and personnel of the state, and all citizens, and insures that laws are strictly and uniformly complied with.

The people's supreme organ of control exercises the right of state prosecution [quyeenf coong toos nhaf nuwows] and insures that the investigation, detention, prosecution, trial and execution of sentences are in accordance with the law.

Local people's organs of control and military organs of control exercise control of observance of the law and exercise the right of state prosecution within the limit of their responsibility.

Article 135. The term of office of the chief procurator of the people's supreme organ of control corresponds to that of the National Assembly.

Article 136. The people's organs of control are under the leadership and their procurators.

The procurators of the lower-level people's organs of control work under the leadership of the higher-level people's organs of control. Procurators of the local people's organs of control work under the unified leadership of the chief procurator of the people's supreme organ of control.

Procurators, deputy procurators and controllers of local people's organs of control are appointed or removed from office by the chief procurator of the people's supreme organ of control.

Article 137. The chief procurator of the people's supreme organ of control is responsible to the National Assembly and reports to it or, when the National Assembly is not in session, to the Council of State.

Chapter XI

National Flag, National Emblem, National Anthem, Capital

Article 138. The national flag of the Socialist Republic of Vietnam is a red flag with a five-pointed gold star in the middle.

Article 139. The national emblem of the Socialist Republic of Vietnam is round in shape, has a red field with ears of rice framing a five-pointed gold star in the middle and with half of a cogwheel and the words "Socialist Republic of Vietnam" at the base.

Article 140. The National anthem of the Socialist Republic of Vietnam is approved by the National Assembly.

Article 141. The capital of the Socialist Republic of Vietnam is Hanoi.

Chapter XII

The Effect of the Constitution and the Amendment of the Constitution

Article 142. The constitution of the Socialist Republic of Vietnam, which is a basic law of the state, has the higher legal effect. All other laws of the state must conform to the Constitution.

Article 143. Only the National Assembly has power to amend the Constitution. Amendments to the Constitution require a two-thirds majority vote of all deputies to the National Assembly.

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